IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 12425 of 2003

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WRIT PETTIOIN NO.12426 OF 2003

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WRIT PETITION NO : 12425 of 2003

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Between:

M/s. Sri Venkata Subba Raju Rice Mill Peddy & Rice Business
Kamavarapukota Village-534449, Kamavarapukota Mandal,
West Godavari District, REp. by its Managing Partner K. Subba Raju

..... PETITIONER

AND

1 The Director of Marketing, Govt. of A.P., B.R.K.R. Buildings, Hyderabad.
2 The Agricultural Market Committee, Chintalapudi, West Godavari District, Rep. by its Secretary.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent in levying market fee on the sales effected by the petitioners during the financial year 2002-2003 vide impugned Notice R.O.C.No. 18/SR/2003, dated 16-6-2003 as arbitrary, whimsical, unauthorised, ultra vires of Section 12 of the Andhra Pradesh (Agricultural Produce and Live Stock) Market Act, 1966 and contrary to the Rules framed there-under and set aside the same.

Counsel for the Petitioner: MR.P.BALAJI VARMA

Counsel for the Respondent No.1: Mr. C.V.Mohan Reddy

Counsel for the Respondent No.2: MR.K.MADHAVA REDDY (SC FOR AGRL.MRKT.COMTTS)

WRIT PETITION NO : 12426 of 2003

Between:

M/s. Sree Siva Rama Modern Raw & Boiled Rice Mill, Kunchanpalli - 534 101, Tadepalligudem Rural Mandal, West Godavari District, Rep. by its Managing Partner P. Raveendra Raju

..... PETITIONER

AND

1 The Director of Marketing Govt. of A.P., B.R.K.R. Buidlings, Hyderabad
2 The Agricultural Market Committee, Tadepalligudem, West Godavari District Rep. by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent in levying market fee on the sales effected by the petitioners during the financial year 2002-2003 vide impugned Notice M.F.No.SRIII/A/15/2002-2003, dated 7-6-2003 as arbitrary, whimsical, unauthorised, ultra vires of Section 12 of the Andhra Pradesh (Agricultural Produce and Live Stock) Market Act, 1966 and contrary to the Rules framed thererunder and set aside the same.

Counsel for the Petitioner: MR.P.BALAJI VARMA

Counsel for the Respondent No.1: Mr. C.V.Mohan Reddy

Counsel for the Respondent No.2: MR.K.MADHAVA REDDY (SC FOR AGRL.MRKT.COMTTS)

The Court made the following :

COMMON ORDER:

In both the Writ Petitions the petitioners question the levy of market fee on the sales effected by them during the financial year 2002-2003 as ultra vires of Section 12 of the Andhra Pradesh (Agricultural Produce and Live Stock) Market Act,1966 and

contrary to Rules framed thereunder.

A similar batch of Writ Petitions in W.P.No.18977 of 2002 was filed and they were dismissed by the Division Bench of this Court on 21.12.2004.

Following the said batch of Writ Petitions, these two Writ Petitions are also dismissed in terms thereof. No costs.

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V. ESWARAIAH, J

Dated:16-03-2005

Ccm

To

1 The Director of Marketing, Govt. of A.P., B.R.K.R. Buildings, Hyderabad.
2 The Secretary, the Agricultural Market Committee, Chintalapudi, West Godavari

District,
3 Two CD copies.